

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL A. STORTINI,

Defendant.

Criminal Action No. 13- 62- VNA

INDICTMENT**REDACTED**

The Grand Jury for the District of Delaware charges that:

COUNTS 1-5

From on or about July 31, 2009, and continuing to on or about June 1, 2013, in the State and District of Delaware, the defendant, MICHAEL A. STORTINI, did willfully fail to collect and truthfully account for and pay over to the Internal Revenue Service all of the federal income taxes withheld and Federal Insurance Contributions Act ("FICA") taxes due and owing to the United States on behalf of Frank Robino Companies, LLC, and its employees, for each of the following quarters, with each calendar quarter constituting a separate count of this Indictment:

Count 1	Second quarter of 2009
Count 2	Third quarter of 2009
Count 3	Fourth quarter of 2009
Count 4	First quarter of 2010
Count 5	Second quarter of 2010

Each of these counts is a separate violation of Title 26, United States Code, Section 7202.

FILED

JUN 13 2013

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COUNTS 6-7

From on or about October 31, 2010, and continuing to on or about June 1, 2013, in the State and District of Delaware, the defendant, MICHAEL A. STORTINI, did willfully fail to collect and truthfully account for and pay over to the Internal Revenue Service all of the federal income taxes withheld and FICA taxes due and owing to the United States on behalf of RSSI Asset Management (“RSSIAM”), LLC, and its employees, for each of the following quarters, with each calendar quarter constituting a separate count of this Indictment:

Count 6	Third quarter of 2010
Count 7	Fourth quarter of 2010

Each of these counts is a separate violation of Title 26, United States Code, Section 7202.

COUNTS 8-16

From on or about May 6, 2009, and continuing to on or about May 26, 2009, in the State and District of Delaware, the defendant, MICHAEL A. STORTINI, did embezzle, steal and unlawfully and willfully abstract and convert to his use and the use of another moneys, funds, securities, premiums, credits, property and other assets of the Frank Robino Companies, LLC 401(k) Plan (“the Plan”), an employee pension benefit plan subject to Title I of the Employee Retirement Income Security Act of 1974, and of a fund connected with the Plan, for each of the following dates and amounts, with each offense constituting a separate count of this Indictment:

Count 8	May 6, 2009	\$129,000
Count 9	May 7, 2009	\$112,000
Count 10	May 8, 2009	\$34,000
Count 11	May 11, 2009	\$11,000
Count 12	May 11, 2009	\$107,000
Count 13	May 15, 2009	\$48,500
Count 14	May 19, 2009	\$90,000
Count 15	May 19, 2009	\$41,000
Count 16	May 26, 2009	\$34,000

Each of these counts is a separate violation of Title 18, United States Code, Section 664.

A TRUE BILL:

Foreperson

CHARLES M. OBERLY, III
United States Attorney

BY: _____

Shawn A. Weede
Assistant United States Attorney

Dated: June 13, 2013